

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ELISA MAY MITTLESTAED, et al.,

Plaintiffs,

vs.

STATE OF MONTANA CHILD AND
FAMILY SERVICES DIVISION, et
al.,

Defendants.

CV 22-58-BLG-SPW-TJC

ORDER

On February 7, 2023, State Defendants filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6). (Doc. 35.) On March 9, 2023, Defendant Brittney Anderson also filed a Motion to Dismiss under Rule 12(b)(6). (Doc. 40.) Subsequently, Plaintiffs filed a Second Amended Complaint (Doc. 44), which moots Defendants' motions. *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015). Accordingly, State Defendant's Motion to Dismiss (Doc. 35) and Defendant Brittney Anderson's Motion to Dismiss (Doc. 40) are **DENIED as moot.**

DATED this 21st day of March, 2023.


TIMOTHY J. CAVAN

United States Magistrate Judge